



The new name for PacTel

May 23, 1994

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RECEIVED

MAY 23 1994

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, NW, Room 222
Washington, DC 20554

RE: PR Docket 93-61, Amendment of Part 90 of the Commission's Rules to Adopt
Regulations for Automatic Vehicle Monitoring Systems

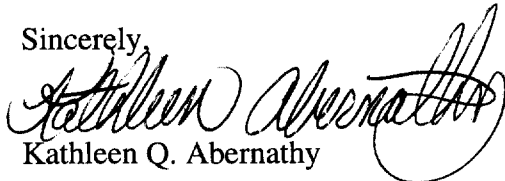
Dear Mr. Caton:

On Monday, May 23, 1994, Louis Gurman, representing Southwestern Bell Mobile Systems, Inc., John J. McDonnell and Marnie Sarver, representing Mobilevision, L.P., and I, representing AirTouch Teletrac, met with David Solomon and Holly Berland, Office of the General Counsel, Ronald Netro and John Borkowski, Private Radio Bureau, and Richard Engelman, Office of Engineering & Technology, regarding the Automatic Vehicle Monitoring issues being addressed in the proceeding indicated above. We discussed the information set forth in the attached documents. Please associate this material with the above-referenced proceeding.

Two copies of this notice were submitted to the Secretary of the FCC in accordance with Section 1.1206(a)(1) of the Commission's Rules.

Please stamp and return the provided copy to confirm your receipt. Please contact me at 202-293-4960 should you have any questions or require additional information concerning this matter.

Sincerely,

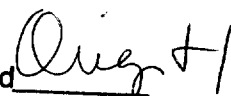


Kathleen Q. Abernathy

Attachment

cc: Holly Berland
John Borkowski
Richard Engelman
Ronald Netro
David Solomon

No. of Copies rec'd
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Amendment of Part 90 of the Commission's Rules to Adopt Regulations for Automatic Vehicle Monitoring Systems

PR Docket No. 93-61

PR Docket 93-61 is a proceeding to adopt permanent regulations for automatic vehicle monitoring (AVM) systems.

Key issue in the NPRM is what part of the spectrum in the 902-928 MHz should be allotted for AVM in light of competing demands on spectrum (see attached chart).

In the NPRM the FCC stated that:

we propose rules that will promote the efficient operation and continuing growth of Automatic Vehicle Monitoring (AVM) systems. NPRM par. 1.

The FCC further stated that:

Commenters should address whether they believe it possible to establish reliable LMS systems considering the number and diversity of other users of this band. If not, commenters should offer potential solutions, short of removing Part 15 users and amateur operations from the band, restricting where such users could operate in the band, or placing stricter limitations on the operation of such users in this band. NPRM at par. 24 and Erratum.

Part 15 of the Commission's Rules governs the operation of radio frequency devices without an individual license; the rules go back to 1938 when FCC allowed devices employing relatively low level RF signals to be operated without the need for individual licensing as long as their operation caused no harmful interference to licensed services.

Part 15 rules revised in 1989 and the FCC continued the requirement that operation of the devices is "subject to the conditions that *no harmful interference is caused* and that *interference must be accepted* that may be caused by the operation of an authorized radio station..." CFR 15.5(b).

In a recent decision the FCC stated that "Under Part 15, radio equipment is permitted to operate without a license on frequencies allocated to the authorized radio services so long as the operation does not cause harmful interference to the authorized services. A corollary of this principle is that a Part 15 device must accept any interference from other radio equipment." Revision of Part 15 (Operations in 902-905 MHz Band, 67 RR 2d 1269 (1990))

It is beyond the scope of PR Docket 93-61 to revise the Part 15 rules by eliminating the requirement that Part 15 devices must not cause harmful interference. If the Commission wishes to rewrite the requirements of Part 15, it must do so in a separate Notice of Proposed Rulemaking.

The sole focus of the inquiry in PR Docket 93-61 is the adoption of permanent rules for AVM systems.

FCC NPRM

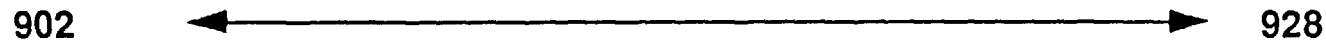
- **FCC Notice of Proposed Rulemaking (Released April, 1993)**
- **Continued Hierarchy in 902-928 MHz Band but separated toll tag systems (AVI) from Teletrac-like systems because toll tag systems are high powered and short range**

In Order of Priority:

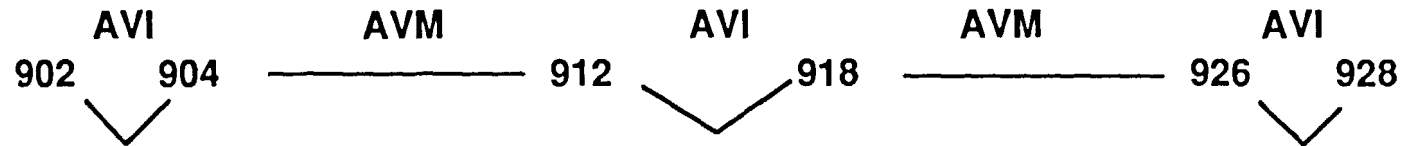
- ### 1) ISM (Industrial Scientific and Medical)



- ## 2) Government



- 3)



- #### 4) Amateur Radio



- ## 5) Part 15 (unlicensed)

